

AMENDED IN SENATE APRIL 25, 2011

AMENDED IN SENATE APRIL 5, 2011

SENATE BILL

No. 737

Introduced by Senator Walters

February 18, 2011

An act to amend Section 8484.3 of the Education Code, and to amend Sections 1596.793 and 18897 of, and to add ~~Sections 18897.8 and 18897.9~~ Section 18897.8 to, the Health and Safety Code, relating to organized camps.

LEGISLATIVE COUNSEL'S DIGEST

SB 737, as amended, Walters. Organized camps.

(1) Existing law permits a participating program operated by a city, county, or nonprofit organization in the After School Learning and Safe Neighborhoods Partnership Program to operate for up to 30 hours per week without obtaining a license or special permit otherwise required under existing law.

This bill would increase the authorization to 60 hours per week *and provide that no individual child can be in care in the program for more than 30 hours per week.*

(2) Existing law regulates the licensure and administration of day care centers and family day care centers and exempts specified recreation programs conducted for children from these regulations.

The bill would expand the scope of this exemption.

(3) Existing law establishes minimum standards for the operation, regulation, and enforcement of organized camps, as defined.

The bill would modify the definition of the term "organized camp." The bill would define the term "organized day camp" and require an organized day camp to develop an operating plan and file the plan with

the local health officer. The bill would require the officer to acknowledge receipt of the plan within 30 days. By imposing a new duty on local public health officials, the bill would impose a state-mandated local program. ~~The bill would also require an organized day camp to comply with new procedures in order to maintain its exempt status from specified sales and use taxes.~~

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 8484.3 of the Education Code is amended
2 to read:

3 8484.3. (a) Programs established pursuant to this article shall
4 not be required to comply with the requirements of other provisions
5 of this chapter or requirements set forth in Chapter 19 of Division
6 1 of Title 5 of the California Code of Regulations.

7 (b) Notwithstanding any other provision of law or regulation,
8 a program operated by a city, county, or nonprofit organization
9 pursuant to this article may operate for up to 60 hours per week
10 without obtaining a license or special permit under Chapter 3.4
11 (commencing with Section 1596.70) or Chapter 3.5 (commencing
12 with Section 1596.90) of Division 2 of the Health and Safety Code.
13 *A child shall not be in care in the program for more than 30 hours*
14 *per week.*

15 SEC. 2. Section 1596.793 of the Health and Safety Code is
16 amended to read:

17 1596.793. This chapter and Chapters 3.5 (commencing with
18 Section 1596.90) and 3.6 (commencing with Section 1597.30) do
19 not apply to recreation programs conducted for children by the
20 YMCA, Girl Scouts, Boy Scouts, Boys and Girls Clubs, Camp
21 Fire, Inc., organized camps, organized day camps, or similar
22 organizations. Nonprofit organizations, organized camps,

businesses or schools that offer instruction in martial arts, dance, music, fitness, gymnastics, swimming, or similar activities of less than four hours in duration are also exempt from childcare licensure. If child day care programs are conducted by these organizations and the fees are charged for that specific purpose they are subject to the requirements of this chapter, Chapter 3.5 (commencing with Section 1596.90), and Chapter 3.6 (commencing with Section 1597.30).

SEC. 3. Section 18897 of the Health and Safety Code is amended to read:

18897. (a) (1) “Organized camp” means a site with program and facilities established for the primary purposes of providing an outdoor group experience with social, spiritual, educational, or recreational objectives, for five consecutive days or more during one or more seasons of the year. An overnight stay is not required to meet this definition. Programs, retreats, conferences, and events held on organized camp sites that are less than five consecutive days in duration ~~are not~~ *shall not be* required to meet the provisions of this section, but ~~must~~ *shall* comply with subdivision (a) of Section 30751 of Title 17 of the California Code of Regulations. Camps accredited or operated by organizations including, but not limited to, the YMCA, Girl Scouts of the USA, Boy Scouts of America, Camp Fire USA, Boys and Girls Clubs, Salvation Army, and Christian Camp and Conference Association camps, shall be considered prototypes of an organized camp.

(2) “Organized day camp” means a program serving schoolage children between 4 to 17 years of age, inclusive, which operates seasonally during times when school is not regularly in session. An organized day camp focuses on group-based recreation and expanded learning opportunities with social, spiritual, educational, or recreational objectives. An organized day camp does not typically provide for overnight stays and frequently transports campers to parks, beaches, camp sites, and other excursion locations for activities. A qualified program director who has had at least one season of administrative or supervisory experience at an organized camp and a staff adequate to carry out the program shall be present at the organized day camp. All employees of an organized day camp ~~must~~ *shall* have a criminal record check as specified in subdivision (a) of Section 30751 of Title 17 of the California Code of Regulations.

(3) Membership in any of the following organizations shall also be indicative of status as an “organized camp” or “organized day camp” for purposes of this section:

- (A) The American Camp Association.
- (B) The Association for Environmental and Outdoor Recreation.
- (C) Christian Camp and Conference Association.
- (D) Western Association of Independent Camps.
- (E) The Boy Scouts of America.
- (F) The YMCA.
- (G) Other similar camping associations.

(b) The terms “organized camp” and “organized day camp” do not include a motel, tourist camp, trailer park, resort, hunting camp, auto court, labor camp, penal or correctional camp and do not include a licensed child care institution or home-finding agency.

(c) The term “organized camp” or “organized day camp” also does not include any charitable or recreational organization that complies with the rules and regulations for recreational trailer parks.

(d) Organized camps or organized day camps operated by cities or counties shall meet the provisions of ~~Sections 18897 to 18897.7,~~ *inclusive this chapter.*

SEC. 4. Section 18897.8 is added to the Health and Safety Code, to read:

18897.8. (a) An organized camp or day camp shall develop a written operating plan and file the plan with the local health officer at least 30 days prior to operation. The local health officer shall acknowledge receipt of the operating plan within 30 days.

(b) (1) If an organized camp also constructs or operates educational facilities and programs, which include, but are not limited to, ropes courses, challenge courses, climbing walls, rappelling towers, zip lines, canopy tours, or other similar adventure challenges, the camp shall include in the written operating plan prepared pursuant to subdivision (a) a provision keeping campers separated from individuals who use these facilities on a day use basis, and also provisions that meet the construction and operating standards of one or more of the following:

- (A) The American Camp Association.
- (B) The Association of Challenge Course Technology.
- (C) Project COPE standards.
- (D) An equivalent certification program.

1 (2) A written operating plan prepared pursuant to this
2 subdivision shall be filed with the local health officer at least 30
3 days prior to construction, and shall also be filed annually
4 thereafter.

5 ~~SEC. 5. Section 18897.9 is added to the Health and Safety~~
6 ~~Code, to read:~~

7 ~~18897.9. In order to maintain its exempt status from sales and~~
8 ~~use taxes on meals and food products, an organized camp shall~~
9 ~~meet all of the following requirements:~~

10 ~~(a) Conduct regular programs or classes.~~

11 ~~(b) Implement a required attendance policy.~~

12 ~~(c) Hire experienced or qualified instructors or individuals~~
13 ~~working under the supervision of such an instructor.~~

14 ~~SEC. 6:~~

15 *SEC. 5.* If the Commission on State Mandates determines that
16 this act contains costs mandated by the state, reimbursement to
17 local agencies and school districts for those costs shall be made
18 pursuant to Part 7 (commencing with Section 17500) of Division
19 4 of Title 2 of the Government Code.